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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. VIXS033)

In the Patent of:  
James Ward Girardeau, Jr., et al

Patent No.: 7,099,398

Date of Patent: 08/29/2006

Serial No.: 10/026,129

For: METHOD AND APPARATUS  
FOR ESTABLISHING NON-STANDARD  
DATA RATES IN A WIRELESS  
COMMUNICATION SYSTEM

§ Group Art Unit: 2638

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§ Examiner: Bayard, Emmanuel

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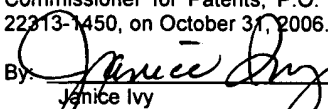
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<p align="center"><b>CERTIFICATE OF MAILING UNDER RULE 8</b></p> <p>I hereby certify that this correspondence is being deposited in the United States Mail with sufficient First Class Postage and is addressed to: Attn: Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 31, 2006.</p> <p>By:  Jenice Ivy</p>
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REQUEST FOR CERTIFICATE OF CORRECTION

Attn: Certificate of Corrections Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Certificate**  
NOV 07 2006  
**of Correction**

Dear Sir:

Patentee hereby requests the issuance of a certificate of correction for error on the part of the patent office. As shown on the attached first page of the Notice of Allowance publication which was retrieved from the United States Patent & Trademark Office official website, the complete and correct spelling of the first named inventor is "James Ward Girardeau, Jr.", not "James Ward Girardeau" which was printed on the certificate. Therefore, we respectfully request that the name be changed. No fees are required on our part.

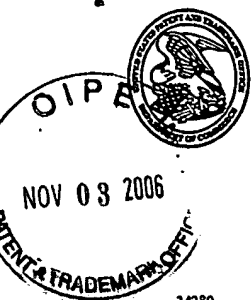
Respectfully submitted,

Date: 10/31/06

By: /Timothy W. Markison, Reg. 33,534/  
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## NOTICE OF ALLOWANCE AND FEE(S) DUE

34280

7590

09/09/2005

TIMOTHY W. MARKISON  
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EXAMINER

BAYARD, EMMANUEL

ART UNIT

PAPER NUMBER

2638

DATE MAILED: 09/09/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,129	12/18/2001	James Ward Girardeau JR.	VIXS 033	5127

TITLE OF INVENTION: METHOD AND APPARATUS FOR ESTABLISHING NON-STANDARD DATA RATES IN A WIRELESS COMMUNICATION SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	12/09/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

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If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.